IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12384 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PRAGNABEN TUSHARBHAI PATEL

Versus

UNION OF INDIA

Appearance:

MR MB PARIKH for Petitioner

MR ANANT S DAVE for Respondent No. 1

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 04/12/2000

ORAL JUDGEMENT

1. Heard learned counsel Mr. M.B. Parikh for the petitioner and Mr. Anant Dave, learned CGSC for respondents. Rule. Mr. Anant Dave, waives service of rule on behalf of respondents.

2. In this petition under Article 226 of the Constitution the petitioner Smt. Pragnaben Tusharbhai Patel has prayed for a writ of mandamus, directing the respondent Regional Passport Officer, Ahmedabad to correct the date of birth of the petitioner as per the certificate issued by the Birth & Death Registering authority, Vijapur taluka, district Mehsana. It is submitted by learned counsel for the petitioner that, the petitioner's date of birth was erroneously recorded in the school register as 1-6-1959, but in fact petitioner was born on 28-12-1959. There is also mistake regarding place of birth in the school register and in the birth certificate issued by the local authority. It is submitted by learned counsel for the petitioner that the petitioner was actually born in village Gavada in Vijapur taluka, under Mehsana district, whereas in the school register the birth place is shown as village Kharod, taluka Vijapur. Learned counsel for the petitioner submitted that, the petitioner has applied for an international passport to the respondent Regional Passport Officer, Ahmedabad, along with submitting necessary documents. However Regional Passport Officer directed the petitioner to submit an order from the competent Court about genuine place of birth and date of birth of the petitioner. Accordingly the petitioner has approached this Court. I am of the view that, whenever there is any discrepancy between the birth date and place of birth recorded in the birth certificate issued by the local authority and the birth date and place of birth recorded by the school authority, the certificate issued by the local authority should prevail. Accordingly the Regional Passport Officer, Ahmedabad, is directed to record the date of birth of the petitioner in the passport as 28-12-1959, showing the place of birth of the petitioner as Village Gavada, taluka Vijapur, under Mehsana district.

3. Learned CGSC Mr. Anant Dave submitted that, if the petitioner files all the relevant papers along with copy of this order, then the respondent will consider the same in accordance with law. It appears that the passport has not yet been issued, therefore , I am of the view that after taking into consideration of the relevant papers, the respondent authority should record the date of birth and place of birth as aforesaid, by considering the birth certificate issued by the local authority. With the aforesaid observation and direction, the petition is allowed. Rule is made absolute to the aforesaid extent. However, I make no order as to costs. Direct service permitted.

Dt: 4-12-2000

(P.K. Sarkar, J)

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